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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,046	01/16/2001	Robert Wessel	RWS-14863WO	2987

7590 09/19/2002

Lerner and Greenberg  
P O Box 2480  
Hollywood, FL 33020-2480

EXAMINER

MCANULTY, TIMOTHY P

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/744,046	WESSEL, ROBERT
	Examiner Timothy P McAnulty	Art Unit 3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 20 June 2002.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) filed 20 June 2002 contains reference US Patent No. 5,437,206 to Boor and German Patent Application DE 298 04 998 U1, both of which were previously considered and as such were cited in form PTO-892 as part of Paper No. 4, mailed 18 March 2002. Accordingly, US Patent No. 5,437,206 to Boor and German Patent Application DE 298 04 998 U1 have been lined through in the IDS filed 20 June 2002.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbeiter in view of Rausing.

Arbeiter in figures 1-5 and 10 discloses a bicycle shift mechanism comprising a housing 2 having an opening 13 providing access to an end catch of a Bowden cable but does not disclose a closure member made from an elastomeric material connected to the housing via a holding member, said closure member having an extension, a thickened portion, a molded recess, an upper lip and a lower lip wherein said upper lip and said lower lip engage an edge of said opening. However, Rausing teaches in figures 1 and 2 a plastic closure member covering an opening in a housing 1 having a thickened extension 5 connected to the housing via a holding member 4; a molded recess 11 operable as a hinge; and an upper lip (not numbered) and a lower lip (not numbered) which engage an edge 3 of the opening. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Arbeiter in view of the teachings of Rausing to include a plastic closure member to cover the opening in the shift mechanism to provide a easily

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installed resealable closure member to decrease the overall manufacturing time and increase the overall convenience of gaining access to a Bowden cable.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arbeiter in view of Rausing as applied to claims 1-6 and 8 above, and further in view of Boor.

The reference combination previously set forth discloses the basic apparatus but does not disclose said upper lip arranged in a recessed manner on an offset in the housing. However, Boor teaches in figure 6 a housing having an opening and a closure member wherein said housing has an offset in which an upper lip of a closure member is arranged in a recessed manner. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the reference combination previously set forth in view of the teachings of Boor to provide an offset in the housing so as to arrange the upper lip in a recessed manner so that the overall outward dimensions that the closure member extends beyond the outer surface of the housing is minimized.

#### *Response to Arguments*

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. Although the reference combinations of DE 298 04 998 U1, US Patent No. 4,366,915 to Seidler and US Patent No. 5,358,135 to Robbins et al. do not disclose a bicycle shift mechanism having an opening and a closure member in combination, the reference combination set forth above does disclose and teach such a combination.

#### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art regarding openings in bicycle shift mechanisms and closures in general:

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U.S. Patent No. 5,139,181 to VerWeyst

U.S. Patent No. 4,391,385 to Rausing

U.S. Patent No. 4,942,271 to Corsi et al.

U.S. Patent No. 3,998,354 to Song

U.S. Patent No. 1,923,481 to Ford

U.S. Patent No. 3,874,550 to Gordon

U.S. Patent No. 5,367,827 to Tajima et al.

U.S. Patent No. 2,958,439 to Yochem

U.S. Patent No. 5,062,315 to Yoshigai

U.S. Patent No. 4,366,915 to Seidler

U.S. Patent No. 5,632,440 to Tragardh et al.

U.S. Patent No. 5,358,135 to Robbins et al.

U.S. Patent No. 4,753,358 to Virca et al.

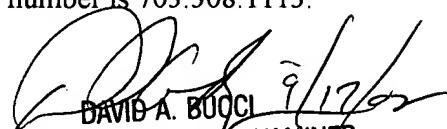
DE 298 04 998 U1

U.S. Patent No. 4,712,707 to Pavely

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

tpm   
September 17, 2002